

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 05-90032

v.

Hon. John Corbett O'Meara

YVETTE SADLER,

Defendant.

ORDER DENYING MOTION TO SUPPRESS STATEMENTS

Before the court is Defendant Yvette Sadler's motion to suppress statements, filed May 15, 2006. The government filed a response on June 5, 2006. The court held an evidentiary hearing on September 28, 2006, and the parties filed supplemental briefs on October 27, 2006. For the reasons set forth below, the court denies Defendant's motion.

Sadler made statements to law enforcement agents on July 16, 2005, and October 26, 2005. Sadler argues that both statements should be suppressed because they were not accompanied by voluntary and intelligent waivers of her Miranda rights. According to Sadler, on both occasions law enforcement officers used intimidating tactics and took advantage of the fact that she was under the influence of drugs. Having reviewed the testimony of Special Agents Brian Helmerson and Christopher Hudson, Immigration and Customs Enforcement, the court does not find evidence of coercive or intimidating behavior on the part of the law enforcement officers involved in obtaining either statement.

Moreover, "[e]vidence that a defendant suffered, at the relevant time, from a condition or deficiency that impaired his cognitive or volitional capacity is never, by itself, sufficient to

warrant the conclusion that his confession was involuntary for the purposes of due process; some element of police coercion is always necessary.” United States v. Newman, 889 F.2d 88, 94 (6th Cir. 1989) (citing Colorado v. Connelly, 479 U.S. 157 (1986)). The Sixth Circuit in Newman found that the defendant’s intoxication did not render his statements to police involuntary. See id. at 95. In light of Newman, Sadler’s contention that her use of Vicodin and other drugs rendered her statements involuntary is “legally untenable.” Id.

Accordingly, IT IS HEREBY ORDERED that Defendant’s May 15, 2006 motion to suppress statements is DENIED.

s/John Corbett O'Meara

UNITED STATES DISTRICT JUDGE

Dated: November 8, 2006

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 8, 2006, by electronic and/or ordinary mail.

s/William Barkholz

Case Manager